

STATE OF CONNECTICUT



Michael P. Bowler
Statewide Bar Counsel

Frances Mickelson-Dera
Christopher L. Slack
First Assistant Bar Counsel

Tel: (860) 568-5157

Fax: (860) 568-4953

STATEWIDE GRIEVANCE COMMITTEE

www.jud.ct.gov/sgc/

Second Floor - Suite Two

287 Main Street, East Hartford, Connecticut 06118-1885

08/10/2012

OFFICE OF CHIEF DISCIPLINARY C
100 WASHINGTON STREET
HARTFORD CT 06106

THOMAS W BUCCI JR
THOMAS BUCCI JR.
183 LIVINGSTON PLACE
#15
BRIDGEPORT CT 06610

RE: GRIEVANCE COMPLAINT #12-0002
PHILBIN vs. BUCCI

Dear Respondent and Disciplinary Counsel:

Enclosed herewith is the decision of the reviewing committee of the Statewide Grievance Committee concerning the above referenced matter. In accordance with the Practice Book Sections 2-35, 2-36 and 2-38(a), the Respondent may, within thirty (30) days of the date of this notice, submit to the Statewide Grievance Committee a request for review of the decision.

A request for review must be sent to the Statewide Grievance Committee at the address listed above.

Sincerely,

Michael P Bowler
Michael P. Bowler

Encl.

cc: Attorney Steven P. Kulas
Joseph P. Philbin

**NOTICE REGARDING DECISION
- PRESENTMENT -**

GRIEVANCE COMPLAINT # 12-0002

**THE ATTACHED DECISION IS PRESENTLY STAYED IN
ACCORDANCE WITH PRACTICE BOOK §2-35.**

SECTION 2-35 STATES, IN PART, AS FOLLOWS:

(e) ... Enforcement of the final decision ... shall be stayed for thirty days from the date of the issuance to the parties of the final decision. In the event the respondent timely submits to the statewide grievance committee a request for review of the final decision of the reviewing committee, such stay shall remain in full force and effect pursuant to Section 2-38(b).

Note: This stay terminates upon the issuance of a final decision by the Statewide Grievance Committee.

DECISION DATE: 8/10/12

STATEWIDE GRIEVANCE COMMITTEE

Joseph Philbin
Complainant

:

vs.

:

Grievance Complaint #12-0002

Thomas Bucci, Jr.
Respondent

:

DECISION

Pursuant to Practice Book §2-35, the undersigned, duly-appointed reviewing committee of the Statewide Grievance Committee, conducted a hearing at the Superior Court, One Court Street, Middletown, Connecticut, on June 13, 2012. The hearing addressed the record of the complaint filed on January 3, 2012, and the probable cause determination filed by the Fairfield Judicial District Grievance Panel on March 28, 2012, finding that there existed probable cause that the Respondent violated Rules 1.3, 1.4 and 8.1(2) of the Rules of Professional Conduct and Practice Book §§2-27(d) and 2-32(a)(1).

Notice of the June 13, 2012 hearing was mailed to the Complainant, to the Respondent and to the Office of the Chief Disciplinary Counsel on May 1, 2012. Pursuant to Practice Book §§3-14 et seq. and 2-35(d), certified legal intern Michael Ando of the Quinnipiac University School of Law assisted in the presentation of this matter under the supervision of Assistant Disciplinary Counsel Karyl Carrasquilla. The Complainant and the Respondent appeared and testified at the hearing. No exhibits were introduced into evidence.

This reviewing committee finds the following facts by clear and convincing evidence:

In July of 2010, the Complainant hired the Respondent to represent him in the dissolution of an LLC that went to arbitration. Subsequently the Respondent also represented the Complainant in other matters such as a post-judgment divorce issue and a pending divorce. The Complainant was not made aware of all the developments in his cases, did not receive billing statements, often did not get return phone calls from the Respondent and had to learn information about his cases from a check of the Judicial Branch public website. Specifically the Complainant was not informed of an agreement made by the Respondent with other counsel in the post-judgment divorce matter to satisfy the attorney's fee of the Complainant's ex-wife by using certain funds held in escrow from the LLC dissolution.

The Respondent did not complete his annual attorney registration until the day before the June 13, 2012 hearing.

This reviewing committee also considered the following:

The Complainant testified at the hearing that he had not received a copy of the fee agreement with the Respondent and had not received copies of billing invoices from the

Respondent. The Complainant maintained that he was not informed of court dates or developments in his cases by the Respondent and that the Respondent was very difficult to contact because he does not have a secretary. The Complainant asserted that the Respondent did not consult with him before agreeing to the release of funds, from an escrow account maintained by other counsel, to pay his ex-wife's attorney fees and the Respondent did not provide any documentation or an explanation of what had occurred. The Complainant also testified that the Respondent was ill prepared for the LLC dissolution arbitration. The Complainant maintained that the Respondent did not prepare him adequately for the arbitration, and as a result the Complainant lost a significant part of the case concerning business equipment.

The Respondent testified that he had executed a fee agreement with the Complainant shortly after their first meeting but he did not possess a copy. The Respondent maintained he also executed fee agreements for the representations in the divorce case and the other family matters, but he also did not have copies with him. The Respondent testified he did document the hours spent on the files but he did not have the records with him. The Respondent asserted that he obtained favorable outcomes for the Complainant and was in touch with him often, though some of the encounters were social as well. The Respondent maintained that the Complainant had agreed by phone to a "global resolution" of his family court matters and part of that agreement was the release of attorney's fees to his ex-wife's attorney. The Respondent asserted that the court postponed the final order until the Complainant could be in court to consent.

The Respondent further testified that he was prepared for the arbitration and had spent several hours with the Complainant prior to the hearing. The Respondent asserted that while the Complainant did not win all the "extras" he wanted; he did get most of what he wanted. The Respondent indicated that he had no real reason why he did not answer the grievance complaint other than it was too difficult.

At the hearing, Disciplinary Counsel requested additional findings of probable cause for the Respondent's failure to have a written fee agreement.

The Respondent's disciplinary history reflects five prior reprimands in 2003 and 2004 and thereafter the Respondent was suspended in 2006 and then reinstated in 2007. The Respondent was also administratively suspended for failure to pay the Client Security Fund from 2004 to 2007 and again in 2012 but was reinstated after making payment.

We conclude by clear and convincing evidence that the Respondent engaged in unethical conduct. We find there is clear and convincing evidence that the Respondent violated Rule 1.3 of the Rules of Professional Conduct. The evidence was conflicting between the Complainant and the Respondent on the details of the various legal matters, but the Respondent, despite his assertions that he had fee agreements and documented his billing time, produced no records at the hearing. The Respondent also did not produce any copies of correspondence or invoices to counter

assertions that he failed to prepare the Complainant for the arbitration or to show that he provided the Complainant with relevant information or documents concerning his cases. The Respondent's failure to provide such highly relevant documentation that he claimed existed not only demonstrates an alarmingly casual approach to the very serious charges made in the grievance filed against him, but also casts serious doubt on his veracity, diligence and competence.

Similarly we find there is clear and convincing evidence that the Respondent violated Rule 1.4 of the Rules of Professional Conduct by failing to keep the Complainant apprised of developments in his legal matters. The Respondent provided no copies of billing statements, invoices, phone bills, letters or even notes to show the times he either met or spoke with the Complainant. This reviewing committee notes the Complainant's testimony at the hearing that he resorted to obtaining information from the public website in order to learn of developments in his cases. Once again, the Respondent's failure to provide such highly important and relevant documentation demonstrates his failure to appreciate the seriousness of the grievance filed against him and impacts negatively upon his diligence, competence and credibility.

The Respondent also violated Rule 8.1(2) of the Rules of Professional Conduct and Practice Book §2-32(a)(1) by clear and convincing evidence by failing to file a timely answer to the grievance complaint. The Respondent gave no reason for this failure beyond that it was too difficult; an answer that this reviewing committee finds extremely perplexing, troublesome and otherwise difficult to understand. The Respondent also did not comply with the annual attorney registration requirement in Practice Book §2-27(d) and finally registered the day before the June 13, 2012 hearing.

This reviewing committee concludes that the Respondent's violations of Rules 1.3, 1.4, 8.1(2) of the Rules of Professional Conduct and Practice Book §§ 2-27(d) and 2-32(a)(1), warrant a presentment, especially in light of the Respondent's prior disciplinary history. Accordingly, we direct Disciplinary Counsel to file a presentment against the Respondent in the Superior Court for the imposition of whatever discipline is deemed appropriate. Since a presentment is a de novo proceeding, we further direct the Disciplinary Counsel to include the following additional violation in the presentment that the Respondent violated Rule 1.5(b) of the Rules of Professional Conduct by failing to have written fee agreements with the Complainant.

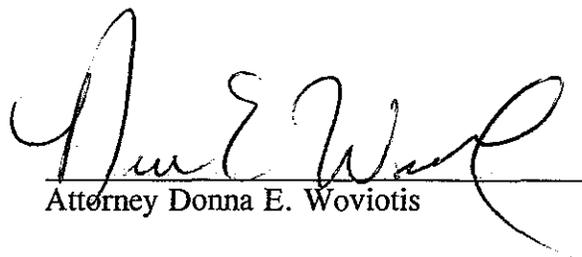
(E)
KO

DECISION DATE: 8/10/12

Grievance Complaint #12-0002

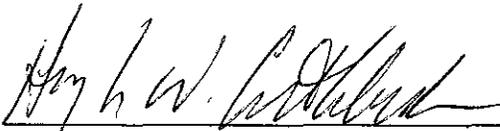
Decision

Page 4



Attorney Donna E. Woviotis

Grievance Complaint #12-0002
Decision
Page 5



Attorney Hugh W. Cuthbertson